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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,328

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Takeyuki Ueda

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,328	<b>Applicant(s)</b> UEDA, TAKEYUKI	
	<b>Examiner</b> SAM BHATTACHARYA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/31775 (hereinafter "Craycroft") in view of Cooper (US 2001/0056532).

Regarding claims 1, 10 and 16, Craycroft discloses a mobile terminal comprising: a controller for switching a current screen theme of a GUI (graphical user interface) screen of an application program to a prospective screen theme, the GUI screen including two or more GUI tools of a same type and being displayed on a display of said mobile terminal; and a storage for storing a plurality of screen theme definition data sets, one defining each of a plurality of screen themes; wherein said controller performs the steps of (a) loading one of the plural screen theme definition data sets stored in said storage, which screen theme definition data set defines the prospective screen theme, into a memory region reserved for the application program, and (b) drawing the two or more GUI tools of a same type included in the GUI screen using the loaded screen theme definition data set, which is stored in the memory region for the application program. See FIG. 4, page 3, line 22 – line 26.

Craycroft fails to disclose a controller or multiprocessing operating system instructing the execution of a plurality of application programs using respective different memory regions.

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However, Cooper discloses this feature in the Abstract, paragraphs 12 and 18-20.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal in Craycroft by incorporating this feature taught in Cooper for the purpose of achieving a more efficient use of memory space.

Regarding claims 2 and 11, Craycroft discloses that, at the step (a) of loading, said controller loads at least part of the screen theme definition data set defining the prospective screen theme, which part concerns one or more GUI tools required for the GUI screen, from said storage into the memory region for the application program. See page 3, line 22 – line 26.

Regarding claims 3 and 12, Craycroft discloses that when the application program is activated, said controller loads a default screen definition data set defining a default screen theme, which data set is one of the plural screen theme definition data sets stored in said storage, into the memory region for the application program; and at the step (a) of loading, said controller replaces the default screen theme definition data set with the screen theme definition data set defining the prospective screen theme by loading the last-named screen theme definition data set stored in said storage into the memory region for the application program. See page 14, line 13 – page 16, line 3.

Regarding claims 4 and 13, Craycroft discloses that said controller performs the step (a) of loading using screen-theme information managed by an operating system. See page 3, line 22 – line 26.

Regarding claims 5 and 14, Craycroft discloses that said controller loads the plural screen theme definition data sets, which are stored in said storage, into a memory region reserved for an operating system, and at the step (a) of loading, said controller loads the screen theme definition

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data set defining the prospective screen theme loaded in the last-named memory region for the operating system, instead of loading the last-named screen theme definition data set stored in said storage. See page 34, line 27 – page 35, line 19.

Regarding claims 6 and 15, Craycroft discloses that, if current screen theme information managed by an operating system is replaced, said controller performs the step (a) of loading and the step (b) of drawing.

Regarding claim 7, Craycroft discloses that said controller replaces current screen-theme information managed by an operating system with screen-theme information associated with the prospective screen theme responsive to a screen theme determination command based on a screen-theme setting application program used for setting a screen theme; if the current screen-theme information is replaced with the screen-theme information associated with the prospective screen theme, said controller sends the first-named application program a notification of screen theme replacement based on the operating system; and if the first-named application program receives the notification of screen-theme replacement from the operating system, said controller performs the step (a) of loading and the step (b) of drawing based on the first named application program. See page 34, line 27 – page 35, line 19.

Regarding claim 8, Craycroft discloses that said controller switches, in accordance with a position selected in a screen theme list included in a GUI screen of a screen-theme setting application program used for setting a screen theme, a screen theme of a GUI screen of the screen-theme setting application program. See page 3, line 22 – line 26.

Regarding claim 9, Craycroft discloses that said controller displays, in accordance with a position selected in a screen-theme list included in a GUI screen of a screen-theme setting

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application program used for setting a screen theme, a bitmap image on the display of said mobile terminal. See page 34, line 27 – page 35, line 19.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAM BHATTACHARYA whose telephone number is (571)272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/  
Primary Examiner, Art Unit 2617